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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,509	03/21/2000	Alexander E. Quilici	QUAC0002	6799
22862 7590 05/10/2010 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				
EXAMINER AKINTOLA, OLABODE				
ART UNIT		PAPER NUMBER		
3691				
NOTIFICATION DATE		DELIVERY MODE		
05/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary**Application No.**

09/532,509

Applicant(s)

QUILICI ET AL.

Examiner

OLABODE AKINTOLA

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-10, 12-13, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru (US 5915001) in view of Gupta et al (USPAP 2001/0020242).

Re claims 9, 17 and 20: Uppaluru teaches a voice controlled transaction service adapted to process transaction over the Internet, the service comprising: a user interface (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60); and at least one database coupled to the user interface, the user interface coordinating voice communications with a user, the voice communications including item or service information and transactions associated with the item

or service, the at least one database storing item and service information; whereby transactions are executed without the user pressing a button, clicking a mouse, or any other manual input to a computing device (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Uppaluru does not explicitly teach an advertising subsystem configured to selectively provide the user interface with advertisement targeted to particular users based on information about the user. Gupta teaches an advertising subsystem configured to selectively provide the user interface with advertisement targeted to particular users based on information about the user (§0061-0065). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature as taught by Gupta for the obvious reason of providing advertisement that are relevant or of interest to the user.

Re claim 10: Uppaluru teaches said service further comprising a network interface coupled to the at least one database, the network interface being configured to access the item and service information over the Internet, process requests related to the item and service information, and carry out transactions involving the identified item or service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 12: Uppaluru teaches a customer manager configured to record user information associated with user preferences and user behavior related to the service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 13: Uppaluru teaches wherein the customer manger is configured to provide user information to the user interface such that the user interface may personalize the service for particular users (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 16: Uppaluru teaches an existent subsystem coupled to the at least one database, the existent subsystem being configured to manage all information into and out of the at least one database (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 18: Uppaluru teaches retrieving information identifying an item or a service from a database (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60)

Re claims 19 and 21: Uppaluru teaches retrieving information identifying an item or a service from a database comprises means for retrieving information from the internet (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 22: Uppaluru does not explicitly teach performing comparisons between a plurality of transactions in order to choose an optimal transaction. Official notice is hereby taken that this concept is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature. Selecting an optimal transaction from the plurality of transactions ensures better efficiency.

Support for this official notice can be found in Stack (US 6076070) at col. 1, lines 43-46.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru in view of Gupta and further in view of Goodman (US 5999929).

Re claim 11: Uppaluru does not explicitly teach a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites.

Goodman teaches a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites (col. 6, lines 7-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature as taught by Goodman. One would have been motivated to do so for consolidation purposes as specified by a rule.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Support for the official notice(s) is provided in the body of the rejection(s) above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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